

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

STEPHON WALTER,

Plaintiff,

v.

DIRECTOR, TDCJ-CID, ET AL.,

Defendants.

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Civil Case 5:19-CV-127-RWS-JBB

(consolidated with 5:19cv129)

ORDER

Plaintiff Stephon Walter, proceeding *pro se*, filed the above-captioned action complaining of alleged violations of his constitutional rights. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636. Officer Chelsea Smith is the sole remaining defendant in this case.

Plaintiff contended that Officer Smith gave him false disciplinary cases for masturbating in the shower and attempting to establish a relationship in retaliation for his refusal to perform “sexual acts” which she had supposedly requested through what Plaintiff describes as a “sexual nod.” Docket No. 13 at 2; *see also* Docket No. 1. The Defendant filed a motion for summary judgment (Docket No. 30), to which Plaintiff did not respond.

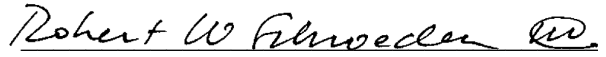
After review of the pleadings, the Magistrate Judge issued a report recommending that the motion for summary judgment be granted and the claims against Officer Smith be dismissed with prejudice. The Magistrate Judge further recommended that because these were the last remaining claims in the lawsuit, final judgment should be entered accordingly. Plaintiff received a copy of the Magistrate Judge’s Report on December 29, 2022 (Docket No. 33) but has filed no objections; consequently, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017).

The Court has reviewed the pleadings in this case and the report of the Magistrate Judge. Upon such review, the Court has determined that the report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S. Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.") It is accordingly

ORDERED that the report of the Magistrate Judge (Docket No. 32) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the Defendant Officer Chelsea Smith's motion for summary judgment (Docket No. 30) is **GRANTED** and the claims against her are **DISMISSED WITH PREJUDICE**. Because Officer Smith is the last remaining Defendant in the lawsuit, it is further **ORDERED** that this consolidated lawsuit is **DISMISSED WITH PREJUDICE** in its entirety. All pending motions are **DENIED-AS-MOOT**.

So ORDERED and SIGNED this 14th day of February, 2023.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE